

04/10/01
JC772 U.S. PTO

PATENT
Customer Number 22,852
Attorney Docket No. 7883.0011-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Prior Application Art Unit: 3762 Prior Application Examiner: P. Bianco

11046 U.S. PTO
09/828794
04/10/01

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior U.S. Application No. 09/369,061, filed August 4, 1999, of Peter J. WILK, David Y. PHELPS, and Scott J. WOLF for LEFT VENTRICULAR CONDUIT WITH BLOOD VESSEL GRAFT.

1. ☒ Enclosed is a complete copy of the prior application including the drawings as originally filed. This filing does not include the oath or Declaration, as originally filed, and therefore is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants will await notification from the Patent Office of a time period in which to file the oath or Declaration. I hereby verify that the attached papers, which do not include the oath or Declaration, are a true copy of prior U.S. Application No. 09/369,061 as originally filed on August 4, 1999, which is incorporated herein by reference.
2. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
3. ☒ Cancel Claims 2-34.
4. ☐ A Preliminary Amendment is enclosed.
5. ☐ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee				\$710	\$ \$710.00
	Number of Claims		Basic	Extra Claims	
Total Claims		-	20		x \$18
Independent Claims		-	3		x \$80
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)				+\$270	
Subtotal					\$
Reduction by 1/2 if small entity					-
TOTAL APPLICATION FILING FEE					\$ \$710.00

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6. ☒ This application is being filed without the filing fee, under the provisions of 37 C.F.R. §1.53(f). Applicants will await notification from the Patent Office of a time period in which to pay the filing fee.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required, including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, **with the exception of the filing fee**, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8. ☒ Amend the specification by replacing lines 4 and 5 on page 1 with, the following sentence:
- This is a ☒ continuation ☐ division of U.S. Application No. 09/369,061, filed August 4, 1999, which claims the benefits of U.S. Provisional Application No. 60/099,719, filed September 10, 1998, all of which are incorporated herein by reference.--
9. ☐ New formal drawings are enclosed.
10. ☒ The prior application is assigned of record to: Percardia, Inc., as evidenced by the assignments recorded at Reel 10468, Frame 0027.
11. ☐ Priority of application No. [Text], filed on [Text] in [Country] is claimed under 35 U.S.C. § 119. A certified copy
- ☐ is enclosed or ☐ is on file in the prior application.
12. ☒ A verified statement claiming small entity status
- ☐ is enclosed or ☒ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter,

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14. ☒ The power appears in the original declaration of the prior application, and will be filed in this case in Response to a Notice to File Missing Parts of Application.
15. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
17. ☐ Recognize as associate attorney [Name, Address & Reg. No.]

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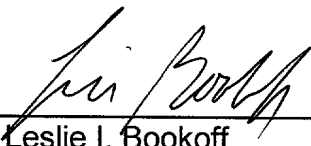
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18. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent Application, No. 09/369,061, filed August 4, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 10, 2001

By: 
Leslie I. Bookoff
Reg. No. 38,084

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